THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.132 of 2006

Dated: 27.12.2007

Between

M/s.J.T.Tatajee

…Petitioner

And

Employees' State Insurance Corporation,
Regional Office at 5-9-23, Hill Fort Road,
Hyderabad, Andhra Pradesh and two others. …Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.132 of 2006

ORDER:

This writ petition is filed for issuance of writ of mandamus declaring the action of the second respondent in issuing the impugned order vide No.AP/SRO/V/Ins.II/62-6262-101, dated 28.10.2005 and consequently passing attachment orders No.62.Q/16262/2050/2005, dated 19.12.2005, as illegal and arbitrary and consequently to set aside the same.

This Court issued rule nisi on 04.01.2006 and granted interim stay in W.P.M.P.No.158 of 2006 on condition of the petitioner depositing half of the demanded amount within two weeks.

W.V.M.P.No.1242 of 2006 is filed to vacate the interim order, dated 04.01.2006 in W.P.M.P.No.158 of 2006 in W.P.No.132 of 2006.

The learned counsel on record Sri K.V.L.Narasimha Rao representing the petitioner and Sri B.G.Ravindra Reddy representing respondents 1 and 2 made submissions at length taking this Court through the respective pleadings of the parties and the stands taken by the parties. Strong reliance was placed on the decision of a Division Bench of this Court reported in **Ashok Leyland Limited, Ductron, Castings Limited, R.R. District v. Deputy Tahsildar/Special Revenue Inspector (ESI), Recovery Cell, Collectorate, R.R. District, Hyderabad**[1]**.**

It is not in serious controversy that the impugned order is an appealable order and an appeal lies against it before the ESI Court under Section 75 of the Employees' State Insurance Act, 1948. It is also stated that inasmuch as the conditional order, dated 04.01.2006, had already been complied with, liberty may be given to the petitioner to invoke the alternative remedy of preferring an appeal.

The deposit made in pursuance of the order of this Court dated 04.01.2006 is hereby recorded and liberty is given to the petitioner to invoke the alternative remedy of appeal within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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P.S.Narayana, J

Date: 27.12.2007
va

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[1] 2001 (4) ALD 96 (DB)